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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/476,385

12/30/1999

HENRY T. TSUEI

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EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

10/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/476,385

Applicant(s)

TSUEI ET AL.

Examiner

Ella Colbert

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 46-68 and 93-117 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 46-68 and 93-117 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 46-68 and 93-117 are pending. Claims 46, 47, 52, 54, 56, 61, 65-68, 93, 94, 96, 97, 100, 102, 104, 109, 114-117 have been amended in the communication filed 8/10/07 entered as Response After Non-Final Action and Extension of Time.
2. The correspondence address change and change of power of attorney filed 8/16/07 have been entered.
3. The non-compliant amendment has been overcome by Applicant's resubmission of a corrected amendment and is hereby withdrawn.
4. The abstract objection has been overcome by Applicant's amendment and is hereby withdrawn.
5. The specification objection has been considered and is hereby withdrawn in view of the newly submitted specification.

### ***Claim Objections***

6. Claims 93 and 114 are objected to because of the following informalities: claim 93 recites "... and a sellers in ...". This line should recite "... and a seller in ...". Claim 114 is in the improper claim format for a method claim. The claim should begin each claim limitation with a verb ending in "ing". For example, making a determination in response that the goods have ...". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 46, 65, 66, 93, 114, and 115 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 46 recites "receipt of transaction information, information ..., ..., ..., ... the transaction amount, instructions ..., ..., ..., ". It appears that a word is missing between "transaction information" and "information" and between "transaction amount" and "instructions". This claim limitation is very vague as to what is taking place as written.

Claims 65, 66, 93, 114, and 115 have similar problems with the claim limitations not being understood and appearing that a word is missing from the claim limitation.

Claim 93 recites the limitation "a buyer" in the second line. The first time that "buyer" is mentioned it should be "a buyer" and every time thereafter it should be "the buyer". The same goes for "a seller" and "payment instrument". There is insufficient antecedent basis for this limitation in the claim.

#### ***Allowable Subject Matter***

9. Claims 46-68 and 93-117 contain allowable subject matter.

10. The following is a statement of reasons for the indication of allowable subject matter: Claims 46 and 93 reciting "querying the shipping service tracking database to determine whether the goods have been delivered to the buyer; indicating based at least in part on information from the shipping service database that the goods have been delivered to the buyer and determining if the goods have been acceptably delivered to the buyer as of an indicated delivery date; and determining in response that

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the goods have been acceptably delivered to the buyer as of the indicated delivery date, effecting completion of the transaction by communicating an instruction to the payment instrument processor to make payment to the seller". The dependent claims 47-68 and 94-117 are also considered allowable because of their dependency on an allowable base claim.

Claims 46-68 and 93-117 will be considered allowable once the outstanding issues have been corrected and if no new art is found in an updated search to reject the claims..

As allowable subject matter has been indicated, Applicants' reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion: There are still some remaining issues with the claims that have been discovered after the amendments have been made.

### **Inquiries**

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 11, 2007



ZELLA COLBERT  
PRIMARY EXAMINER